

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KARL JUNIOR GIBBS,

Plaintiff,

v.

THOMAS EVANS,

Defendant.

Case Number 20-11084

Honorable David M. Lawson

Magistrate Judge David R. Grand

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING THE COMPLAINT WITH PREJUDICE**

Presently before the Court is the report issued on June 22, 2020 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b) and 28 U.S.C. § 1915(e)(2), recommending that the Court dismiss the complaint because it fails to state any plausible claim for relief. The magistrate judge's report stated that the parties to this action may object to and seek review of the recommendation within 14 days of service of the report. The Court delayed action on the report for substantial additional time after the 14-day deadline expired, to account for possible delays in the delivery of mailed notice or presentation of objections due to the circumstances precipitated by the global pandemic. However, to date no objections to the report have been presented by any party. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 9) is **ADOPTED**, and the complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 5, 2020